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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/035,644	12/28/2001	Gordon Haggott Beckhart	MCT-0103	4114

7590 12/03/2002

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EXAMINER

TRAN, KHOA H

ART UNIT	PAPER NUMBER
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3634

DATE MAILED: 12/03/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/035,644

Applicant(s)

BECKHART ET AL.

Examiner

Khoa Tran

Art Unit

3634

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 03 September 2002.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-18 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-15, 17 and 18 is/are rejected.
- 7) ☒ Claim(s) 16 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☒ The proposed drawing correction filed on 09/03/02 is: a) ☒ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

Drawings

The proposed drawing correction and/or the proposed substitute sheets of drawings, filed on September 03, 2002 have been approved. However, the drawings are still objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, "an exterior partial S-shaped cutout" in claim 7 and "the plurality of retention springs is designed to mate with a lip of a front opening unified pod" in claim 12 must be shown or the features canceled from the claims. No new matter should be entered.

A proposed drawing correction or corrected drawings are required in reply to the Office action.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 4, 7, 9, and 18 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. With respect to claims 4 and 18, these claims improperly seek to define elements based on a comparison to elements that are not a part of the claimed device. Claim 9, depends upon itself. Further, claim 9 is incomplete and indefinite because the pair of columns has only one position when assembled. Further, it is noted that "positions" is undefined. When assembled, how do the columns change positions? Finally, note that "have" should be --has--, line 2.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-7, 14, 17, and 18 are rejected under 35 U.S.C. 102(b) as being anticipated by Nyseth. The claims are of such breadth that they read on the wafer carrier of Nyseth. Nyseth discloses a semiconductor cassette reducer comprising:

a first substantially U-shaped plate (50) having first and second arms (60 and 62) cutouts, an exterior partial S-shaped cutout with the forming of a tab (138), see Figure 8, a plurality of side panels (120) connected to the arms, and a base cutout (76) between an interior face (82), wherein the base to the tip distance (the distance between 96 and 82) is less than an interior depth of a front opening unified pod (26);

a second substantially U-shaped plate (52) having lips (162);

a plurality of wafer supports (27) connecting to the first substantially U-shaped plates (50) to the second substantially U-shaped plate (52); and

at least two retention springs (134, 138) attached to the first substantially U-shaped plate. See Figures 1, 3, and 5-9.

Claim 10 is rejected under 35 U.S.C. 102(b) as being anticipated by A. L. Schreiber. The claim is of such breadth that it reads on the pottery support of Schreiber. Schreiber discloses a support rack comprising:

a first substantially U-shaped plate (the uppermost top member 1) having a first pair of arms with an arm cutout (4);

a second substantially U-shaped plate (the lowermost bottom member 1) having a second pair of arms with an arm cutout (4); and

a plurality of support members (the members between the uppermost and lowermost members) connecting to the first and second substantially U-shaped plates.

See Figures 1-5.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 8-13 and 15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Nyseth as applied to claims 1-7, 14, 17, and 18 above, and further in view of Kwok. The embodiment Figure 9 of Nyseth does not teach the semiconductor cassette reducer (26) having the wafer support columns for supporting semiconductor wafers. However, Kwok teaches the semiconductor wafer support columns (33) attach between the top and bottom of the U-shaped plates. See Figure 1. It would have been obvious to one of ordinary skill in the art to provide the cassette reducer of Nyseth with the provision of supporting columns between the top and bottom plates as taught by Kwok in order to support the semiconductor wafers therein, because it is well-within the level of skill in

the art to utilize the known features of the art for the purpose for which they are known. With respect to claim 12, no front opening unified pod is being claimed and the springs (134, 138) of Nyseth are considered to meet this recitation.

Allowable Subject Matter

Claim 16 would be allowable if rewritten to include all of the limitations of the base claim and any intervening claims.

The following is a statement of reasons for the indication of allowable subject matter:

Claim 16 would be allowable if rewritten to include all of the limitations of the base claim and any intervening claims because there is no prior art that teaches or suggests a semiconductor rack possessing the entire combination of features specified by the claim and having a plurality of flexible disks.

Response to Arguments

Applicant's arguments filed September 03, 2002 have been fully considered but they are not persuasive..

Applicants' explanations to the rejections under 35 USC § 112 second paragraph are acknowledged. However, relative to claims 4 and 18, the unified pod and the wafer are not elements of the claimed invention and thus comparison of a claimed element to these unclaimed elements in order to structurally define the claimed element is improper.

Applicants' remarks with respect to claim 18 are not commensurate with the scope of the claim as no FOUP is being claimed.

With respect to claim 9, the claim depends upon itself. Nevertheless, it remains unclear how the columns move from position 56 to position 58 when assembled. There is no explanation of such found in the specification.

With respect to applicants' arguments that Schreiber's rack is not for supporting wafer. It should be noted that in a product claim, it is well established that it is the patentability of the product, and not how such product is intended to be used that is to be determined, especially if applicants' structure, in view of claim language, differs in no way from prior art structure (Ex parte Wikdahl, BdPatApp & Inter, 1/25/89, p.1546). The claims do not define how a wafer is to be supported and applicants fail to explain why Schreiber is incapable of supporting any wafer on the plate 6 held on the "wafer supports" identified in the rejection.

With respect to applicants' remarks regarding claim 9, the claim is of such breadth that the "two positions" recitation encompasses the unassembled position and the assembled position. It also encompasses the right column being on the right and left column being on the left and alternatively, the right column located on the left and the left column located on the right. In other words, the right column can be assembled on the right or left and so can the left column. Thus, there are "at least two positions" for the columns. What claim language precludes these interpretations?

With respect to applicants' general arguments of Nyseth does not have a pair of interior arm cutouts and a base cutout are unsupported and it is insufficient to overcome

the rejections. In particular, Applicants fail to point out why the presented claim language does not "*read on*" the prior art references.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Khoa Tran whose telephone number is (703) 306-3437. The examiner can normally be reached on Monday through Thursday from 8:30 A.M. to 7:00 P.M.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Daniel P. Stodola, can be reached on (703) 308-2686. The fax phone number for this Group is (703) 305-3597 or (703) 305-3598.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 308-2168.

If the applicant is submitted by facsimile transmission, applicant is hereby reminded that the original should be retained as evidence of authenticity (37 CFR 1.4 and M.P.E.P. 502.02). In general, most responses and/or amendments not requiring a fee, as well as those requiring a fee but charging such fee to a deposit account, can be submitted by facsimile transmission. Responses requiring a fee which applicant is paying by check **should not be** submitting by facsimile transmission separately from the check. Responses submitted by facsimile transmission should include a Certificate of Transmission (M.P.E.P 512). The following is an example of the format the certification might take:

Art Unit: 3634

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(Signature)

Furthermore, please do not separately mail the original or another copy unless required by the Patent and Trademark Office. Submission of the original response or a follow-up copy of the response after your response has been transmitted by facsimile will only cause further unnecessary delays in the processing of your application; duplicate responses where fees are charged to a deposit account may result in those fees being charged twice.



Khoa Tran
November 30, 2002

DANIEL P. STODOLA
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 3600